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Minutes

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
200 S. Main Street, Prosper, Texas
Tuesday, August 27, 2019

Call to Order/ Roll Call.

The meeting was called to order at 6:15 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Marcus E. Ray
Councilmember Craig Andres
Councilmember Meigs Miller
Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Robyn Battle, Town Secretary/Public Information Officer
Chuck Springer, Executive Director of Administrative Services
Kelly Neal, Finance Director
Kala Smith, Human Resources Director
Hulon Webb, Engineering Services Director
John Webb, Development Services Director
Alex Glushko, Planning Manager
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief
Pete Anaya, Assistant Director of Engineering Services – Capital Projects
Dudley Raymond, Parks and Recreation Director

Invocation, Pledge of Allegiance and Pledge to the Texas Flag.

Pastor Jim Lugar of Life Journey Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Ray read the following announcements:

The Town will host a public meeting on the Proposed FY 2019-2020 Budget this Thursday, August 29, at 6:30 p.m. here in Council Chambers. Town staff will present highlights from the proposed budget and the budget process, and will be available to answer questions.

The public is invited to attend the 8th Annual Town of Prosper Community Picnic on Saturday, September 7, from 4:00-7:00 p.m. in Frontier Park. Free hot dogs will be served by members of the Town Council, courtesy of Lighthouse Christian Fellowship Church. Activities include a petting zoo, pony rides, inflatable games, face painting, food and drinks. Attendees are encouraged to

bring canned goods for the Bethlehem Place "Hunger is No Picnic" food drive, and unwrapped gifts or toys to benefit Cornerstone's "September Santa" gift drive. Families are welcome to bring lawn chairs, blankets, and picnic supplies to this annual community event.

The Town's Water Conservation Division will offer free classes on effective landscaping and watering techniques on September 9 and September 23. More information and online registration is available on the Town website.

The Town's Community Emergency Response Team (or CERT Team) will begin classes for new members on September 19. CERT offers specialized training in disaster response and preparedness for volunteers who live or work within the Town of Prosper. Contact the Town's Office of Emergency Management for more information.

CONSENT AGENDA:

Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.

- 1. Consider and act upon the minutes from the August 13, 2019, Town Council meeting. (RB)**
- 2. Receive the June Financial Report (KN)**
- 3. Receive the Quarterly Investment Report (KN)**
- 4. Consider and act upon Ordinance No. 19-57 amending Section 3, "Application Submittal and Processing Procedures"; Section 4, "Platting Requirements"; and Section 8, "Definitions" of the Town's Subdivision Ordinance of Chapter 10, "Subdivision Regulations," of the Code of Ordinances. (JW)**
- 5. Consider and act upon authorizing the Town Manager to execute the Second Amendment to Development Agreement with Greenspoint f/k/a/ Collinsbrook Development to modify the park maintenance responsibilities of the Town and the Greenspoint HOA. (DR)**
- 6. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any Site Plan or Preliminary Site Plan. (AG)**

Councilmember Hodges made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

Citizen Comments:

The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting.

Paul Parkes, 196 Springbrook Drive, Prosper, spoke on behalf of St. Martin de Porres Catholic Church, regarding a request by the church for a waiver to support a temporary sign to be used two to three times per year.

REGULAR AGENDA:

If you wish to address the Council during the regular agenda portion of the meeting, please fill out a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting.

Items for Individual Consideration:

- 7. Conduct a Public Hearing to consider and discuss the FY 2019-2020 Budget, as proposed. (KN)**
- 8. Conduct a Public Hearing to consider and discuss a proposal to increase total tax revenue from properties on the tax roll in the preceding tax year by 15.16 percent. (KN)**
- 9. Conduct a Public Hearing to consider and discuss proposed Water and Wastewater utility rate structure. (KN)**

Mayor Smith opened Items 7, 8, and 9 concurrently, then read a statement announcing the dates, times, and locations of the two Public Hearings on the proposed tax rate.

Finance Director Kelly Neal presented Items 7, 8, and 9 before the Town Council. The highlights of the Proposed FY 2019-2020 Budget include no property tax rate increase, although there is an increase in property valuations, as well as new properties added to the tax roll. The priorities for the Proposed Budget are to increase service levels to residents, provide improvements to infrastructure, and provide public safety resources. Ms. Neal reviewed the growth pressures the Town is experiencing from increased population and development. The Town's 2019 certified appraised value increased by 14.8% from the previous year, which means the average homeowner is estimated to pay an average of \$7.58 more per month than last year for property taxes. The Proposed Budget is comprised of the base budget for recurring operational costs and personnel, plus discretionary and non-discretionary supplemental packages for new services, new personnel, or cost increases for existing services and programs. Ms. Neal reviewed residential and commercial construction and permit activity. The Town Council has proposed a tax rate of \$0.52 per \$100 valuation for the thirteenth consecutive year. Ms. Neal provided an overview of the Town's historical sales tax collections and the sales tax projection for FY 2019-2020. The Town recently conducted a compensation market study which will result in a market increase to be phased in over the next three years. Public Safety personnel are on a step plan with a 3% increase, and civilian pay is based on a merit system with an average 3% increase. Ms. Neal reviewed the 23 proposed new positions in the budget. General Fund expenditures in the proposed budget total \$30.8 million. Town staff considered several assumptions when developing the budget, including the new rollback rate limitation of 3.5% set by the state legislature, continued sales tax growth, and the need for additional civilian and public safety staff as the Town's population continues to grow. The Town's Water and Sewer Fund revenue for FY 2019-2020 is estimated at \$24.9 million, with no change to residential water and sewer rates. Ms. Neal reviewed proposed major water and sewer program enhancements. The Town takes advantage

of grant opportunities to fund projects whenever possible, utilizing an Internal Grant Committee to review potential grant sources.

Hulon Webb, Director of Engineering, continued the presentation with an overview of the Capital Improvement Program (CIP). The Town's approach to infrastructure planning is to coordinate with developers and regional partners whenever possible to construct improvements to accommodate the Town's rapid growth, and to mitigate the negative impacts of that growth. Town staff recently proposed the use of alternative construction bidding methods to get the best value. To maximize opportunities for regional funding, the Town has strategically selected projects to design ahead of time so they will be "shovel ready" if/when funding opportunities arise. The current CIP includes over \$1 billion in regional infrastructure, including five overpasses on US 380 between the Dallas North Tollway and Custer Road. Mr. Webb reviewed the major projects in the FY 2019-2020 CIP. The Town Council emphasized the need for collaboration and coordination with Prosper ISD to ensure adequate roads are built in conjunction with new schools opening.

Dudley Raymond, Parks and Recreation Director, responded to questions about specific Parks and Recreation CIP Projects, which are largely dependent on the individual developers' timelines.

Ms. Neal continued the presentation with an overview of the key dates in the budget process, which include the first of two Public Hearings on the FY 2019-2020 Budget and the proposed tax rate.

Mayor Smith opened the Public Hearings for Items 7, 8, and 9 concurrently.

With no one speaking, Mayor Smith closed the Public Hearings.

No further action was taken.

10. Discussion on the Town Hall Lobby Art project. (RB)

Town Staff requested this item be tabled to the September 10, 2019, Town Council meeting.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to table Item 10 to the September 10, 2019, Town Council meeting. The motion was approved by a vote of 7-0.

- 11. Conduct a Public Hearing, and consider and act upon a request to rezone 11.0± acres from Planned Development-65 (PD-65) to Planned Development-Multifamily (PD-MF), located on the south side of future Prairie Drive, west of future Legacy Drive, to facilitate the development of a Retirement Housing Complex, consisting of one (1) and three (3) story buildings. (Z19-0005). (AG)**
- 12. Conduct a Public Hearing, and consider and act upon a request to rezone 5.7± acres from Planned Development-65 (PD-65) to Office (O), located on the southwest corner of future Prairie Drive and Mahard Parkway. (Z19-0006). (AG)**
- 13. Conduct a Public Hearing, and consider and act upon a request to rezone 15.1± acres of Planned Development-43 (PD-43) and Specific Use Permit-9 (SUP-9), and 3.1± acres of Planned Development-65 (PD-65) to Planned Development (PD), located on the northwest corner of Mahard Parkway and US 380, to**

facilitate the development of a Major Automotive Repair Facility (Toyota/Penske). (Z19-0007). (AG)

Mayor Smith opened Items 11, 12, and 13 concurrently.

Planning Manager Alex Glushko presented all three items concurrently before the Town Council. The purpose of the zoning request in Item 11 is to rezone 11.0± acres from PD-65 to Planned Development-Multifamily to allow for development of an age-restricted retirement housing complex. The complex will consist of a three-story, 217,285 square foot building, containing 180 single and two-bed units. It will also consist of four 3,100 square-foot, two-family, single-story "Villas." In total, the retirement housing complex will consist of 188 dwelling units which will be age-restricted to residents 55 years of age and older.

The purpose of the zoning request in Item 12 is to rezone the property to the Office District to allow for development in the future. At the time of an application for "straight" zoning, the applicant is not required to submit an exhibit depicting how the property will be specifically developed or elevations of the proposed building. Prior to development, the developer will be required to submit a Preliminary Site Plan and/or a Site Plan for review and approval by the Planning & Zoning Commission. The applicant has been advised of the standards necessary for development.

The subject property in Item 13 consists of two tracts; the fifteen-acre tract on which the existing Longo Toyota automobile dealership is located, which is currently zoned PD-43 and SUP-9; and the three-acre undeveloped tract, currently zoned PD-65 for single family residential uses, which is proposed to be developed as a major automobile repair/collision repair facility (Penske). The Toyota and Penske ownership groups are related; therefore, this proposal would put both developments under a common PD zoning district. The proposed zoning for Toyota will remain significantly the same as the existing zoning; however, the layout will be slightly modified in order to provide cross-access from the Toyota dealership to the Penske collision repair facility to the north. The Penske collision repair facility is proposed to consist of a one-story, 29,972 square-foot building, with 145 total parking spaces intended to serve customers, employees, and storage. The Executive Development Team (EDT) recommended on-street parking for customers, employees or other vehicles related to the Toyota Rapid Repair tract shall be prohibited, and that all collision-related vehicles must be stored and screened on the rapid repair tract, not on the Toyota dealership tract. The applicant has included the EDT's recommendation in the proposed development standards.

Responding to a question from Council, Town Attorney Terry Welch confirmed that a violation of the age restrictions in the senior living development would be considered a zoning violation, and any future change in the age restriction requirement would require Council approval.

Clint Richardson, representing the property owner, Greater Texas Land Resources, spoke in favor of the requests, noting that he supports the proposed uses and the dry detention pond.

Tim O'Hanlon, representing the developer of the senior living development, the Alder Group, spoke in favor of the request, and presented photographs of a similar senior living development in an adjacent community. He indicated that the proposed parking is adequate for the development, since most units will only have one car, and only 5-

6 staff will work at the facility. Responding to a question from the Council, Steve Rosencast, facility management consultant for the applicant, indicated that the staff are trained to communicate with residents' family members about assisting residents with the transition to more skilled nursing care environments when the need arises. Bart Tinsley of the Alder Group responded to questions about the stone exterior, indicating that the proposed development will use real stone, and not a stone veneer.

Craig Curry, representing the property owner for the Office rezoning request and the adjacent residential development, Greater Texas Land Resources, indicated that he has no plans to request smaller lots at this time. He also indicated that the Office zoning request is a placeholder for now, and may include a hotel use in the future. The Council expressed an interest in adding language to the proposed ordinance that would require the Office development to comply with the Town's development standards as they exist today.

Mayor Smith opened the Public Hearings for Items 11, 12, and 13 concurrently.

Nicholas Smith, 520 Komron Court, Prosper, spoke in favor of the request, noting the importance of enforcing plans once they are approved to ensure developers are held to a high standard.

With no one else speaking, Mayor Smith closed the Public Hearings.

The Council discussed the location and screening of the proposed detention pond. Mr. O'Hanlon and David Bond of Spiars Engineering, Engineer for the Toyota/Penske project, responded to questions about the landscape plan and screening. The changes discussed at tonight's meeting will be incorporated into a proposed ordinance and development agreement which will be brought forward for Council approval at a future meeting.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to approve the request, subject to: 1. Authorizing a dry detention area as reflected on Exhibit D, the conceptual plan; and 2. Approval of a Development Agreement, including right-of-way and easement dedication and masonry regulations consistent with proposed Exhibit F. The motion was approved by a vote of 7-0.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Andres seconded the motion to approve the request to rezone 5.7± acres from Planned Development-65 (PD-65) to Office (O), located on the southwest corner of future Prairie Drive and Mahard Parkway and approval of a Development Agreement, including right-of-way and easement dedication and masonry regulations consistent with the Town's masonry requirements for office structures. The motion was approved by a vote of 7-0.

Councilmember Hodges made a motion and Councilmember Andres seconded the motion to rezone 15.1± acres of Planned Development-43 (PD-43) and Specific Use Permit-9 (SUP-9), and 3.1± acres of Planned Development-65 (PD-65) to Planned Development (PD), located on the northwest corner of Mahard Parkway and US 380, to facilitate the development of a Major Automotive Repair Facility (Toyota/Penske), subject to approval of a Development Agreement, including right-of-way and easement dedication and masonry regulations consistent with proposed Exhibit F.

Executive Session:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives.

Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

The Town Council recessed into Executive Session at 9:20 p.m.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened the Regular Session at 10:18 p.m. No action was taken as a result of the Closed Session.

Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

14. Infrastructure Fee Waivers. (HW)

This item was not discussed.

Adjourn.

The meeting was adjourned at 10:18 p.m. on Tuesday, August 27, 2019.

These minutes approved on the 10th day of September 2019.



APPROVED:

Ray Smith

Ray Smith, Mayor

ATTEST:

Robyn Battle

Robyn Battle, Town Secretary